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PLANNING COMMISSION MEETING MINUTES

REGULAR MEETING

MAY 14, 2002

PRESENT: Acevedo, Benich, Lyle, McMahon, Mueller, Sullivan, Weston

ABSENT: None

LATE: None

STAFF: Planning Manager (PM) Rowe, Director of Public Works (DPW) Ashcraft, Senior Engineer (SE) Creer, and Minutes Clerk Johnson

Chair Sullivan called the meeting to order at 7:00 p.m.

DECLARATION OF POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

OPPORTUNITY FOR PUBLIC COMMENT

Chair Sullivan opened the public hearing.

PM Jim Rowe affirmed that Commissioners Sullivan and McMahon have resigned from the Commission. He commended both for an outstanding job and said the hard work they have done will be missed. Both responded graciously, thanking staff and indicating they had appreciated being able to serve the Community.

There being no others present to address the Commissioners, the public hearing was closed.

MINUTES:

APRIL 23, 2002

COMMISSIONERS LYLE/MUELLER MOTIONED TO APPROVE THE APRIL 23, 2002 MINUTES WITH THE FOLLOWING AMENDMENTS:

Page 3 bottom: at the meeting staff presented revised numbers of 15 for 2003/04 and 23 for 2004/05; correction is made to the table.

Page 4, Paragraph 7: Commissioners

PLANNING COMMISSION MINUTES
MAY 14, 2002
PAGE -2-

Page 6 (Quill speaking) next to last sentence:...
close everything from 10:00 p.m. to 5:00 a.m.

Page 7, Paragraph 3: (following *number of employees*) add: would normally be

Pages 8 bot & 9 top: Twin Oaks is ~~18~~ 13 units.

Page 10 "bold" paragraph: insert "for the 2001/02 allotments" after the words "extension of time". ~~COMPARABLE PROJECT~~ **IF A COMPARABLE PROJECT...STILL HAS TO BE SAFE ACCESS RELATED.**

Page 10, paragraph 9: (add after *about*): procedure for decision and determination of location ~~matter~~ procedural Commissioner Weston also indicated he did not think School Districts changed with location

Page 14 top par, parenthetical sentence: add "classified in the new General Plan as" after "now".

Page 14 bot: insert "NOT" after "had"

Page 15 top half of page: Insert paragraph: The PC was also concerned about the pool location and the applicant's statement that it was only to be used for the R2 area residents.

Page 17, Top of page (list) revise to read:

TK Singh, 305 Hazelton Court. (MP-00-01) said the project is being slowed because of some rights-of-way issues and waiting for the County cooperation in the roads.

Dan Shaw, 15700 Winchester Blvd., Los Gatos. (MP-00-05) needs to present a bond to the Public Works department.

Hans Mulberg, 16760 Oak View Circle, engineer for the project (MP-00-02) said he is working hard, but there are many issues and problems tied to the property. The Commissioners directed staff to place the matter on the agenda of May 14 for further discussion.

Jerry Jones, 16532 Mira Bella Pl., (MP-00-03) said he is back to square one.

Dick Oliver, 275 Saratoga Ave. #105, (MP-99-22) reported that even though the Coyote Estates project is not listed as delinquent, he will not be able to meet a June 30, 2002 deadline and will request an extension.

Rocke Garcia, 100 E. Third St., (MP-98-32) described the off-site work which he termed 'completed', saying he sees no problem in meeting the established timelines.

THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, LYLE, MUELLER, SULLIVAN, WESTON; NOES: NONE; ABSTAIN: MCMAHON; ABSENT: NONE.

OLD BUSINESS:

1) FINAL AWARD & DISTRIBUTION OF MP BUILDING ALLOCATIONS FOR FY 2003-04 OPEN MARKET, MICRO AND AFFORDABLE PROJECTS COMPETITION PM Rowe presented the staff report, conveying that in April 2002, the Planning Commission approved final point scores for the projects that competed in the 2001 Residential Development Control System competition. The award of the building allocations has been delayed to the month of May in anticipation of revised population figures being published by the State Department of Finance. The City has received the number and persons per household from the State. These two numbers, PM Rowe said, are critical in the calculation to determine the number of building allocations that are available within fiscal year 2003-04. As anticipated, the State Department of Finance lowered last year's population estimate by 525 persons, thus allowing additional building allotments to be awarded. Staff originally estimated to the total building allotment for FY 2003-04 to be 146 units. Based on the adjusted Department of Finance population estimated, PM Rowe told the Commissioners, the total allocation has increased to 164 units.

Furthermore, PM Rowe advised, The revised allocation breakdown for fiscal year 2003-04 was distributed.. The number of allocations available on the east side is 17 and on the west side 35. At the March 12 meeting, the Commission discussed, in general terms, the award of building allotments for the 2001 competition. At that meeting, PM Rowe reminded, the Commission agreed to minimize the award of building allocations from the 2004-05 fiscal year and would consider awarding a second year allocation (FY 2004-05) if it was minor and would facilitate the completion of a project. Staff prepared a data for the Commission's consideration which includes a second year allocation for only the small project within the competition.

During tonight's meeting, PM Rowe said, the Commission is asked to award building allocations to projects that competed in the 2001 RDSC competition. "If the Planning Commission decides to award allocations from FY 2004-05, the Commission would need to recommend such approval to the City Council. The Council would consider the second year requests at their June 5, 2002 meeting. Appeals concerning the Planning Commission's award of building allocations would also be considered by the Council at this meeting," PM Rowe said.

Continuing, PM Rowe reiterated, at the March 26 meeting, the Commission reviewed the scoring of the two Micro projects submitted for this years competition. The Commission approved a final score of 149 for the Nina Lane-Chen and 147 for DeWitt-Marquez. However, he said, the Commission did not award allocations at that time but agreed to award 5 allocations to the top scoring project and would make the final award at the May meeting when the final population number were published. Using the new population figure, the number of micro allotments has been increased to a total of 8. The top scoring project has requested 5. The second project is requesting 4. PM Rowe said that one additional allocation is necessary to allow the project to have 4 allotments for the same year. Staff is recommending that both projects receive allotments and that the one allotment come from the 39 available for the west side open market projects since is located on the west side and it is difficult for micro projects to utilize second year allotments.

As to the affordable projects, PM Rowe said, at the April 23 meeting, the Commission reviewed the scoring of the affordable project, E. Dunne-First Community Housing. The Commission has also approved 38 affordable allotments for the project. The approval of allotments was contingent upon changes to the number of allotments awarded in FY 2003-04 and FY 2004-05, PM Rowe stated. Now, by utilizing the new population figure, 18 allotments are available for FY 2003-04. This leaves a second year allocation recommendation of 20 for the affordable project, PM Rowe said.

Continuing, PM Rowe reiterated that the annual allocations are based on the figures/numbers from the Department of Finance. He reminded that although the projection for the year under discussion had originally been 146 but is now at 164. PM Rowe also called attention to the Llagas/Delco project, where it has been determined there are two existing houses which will count in the overall allocations, thus resulting in the need for two less allocations for this project (16>14).

Following the explanation by PM Rowe, Commissioner Weston asked if there were any partially completed projects which could be given additional allocations to speed the completion of those projects?

Chair Sullivan opened the public hearing.

Rocke Garcia, 100 E. Third St., requested two additional allocation, indicating it appears that there may be an additional two allocations on the west side. He said that if those were indeed available he would split them with another applicant. He said that in talking with staff he thinks there are two BMRs which may be available and he could use them. Mr. Garcia indicated the infrastructure is in place if he could be given two more.

Commissioner Lyle and PM Rowe clarified that some Micro projects are expiring, with possible extensions and further that instead of reallocating those, the Commission may decide to decrease the allocations rather than give them to someone else.

Phil Rowe (no address given), representing the Hale/Delco project, explained the 'last minute' request he submitted. He said that there is an older house, which qualifies as a 'valid exempt unit'; which negates the need for one unit. Based on the R1>R2 change, the other existing unit is R1 and will stay that way, so only 14 allocations are needed, instead of the 16 originally requested.

Carolyn Hipp, 3160 Crow Canyon Place, #200, representing the Central Warmington project, said she had one minor adjustment and one request. Noting the need for additional allocations, she asked if the Commission would consider giving her the ability to split the top 16 allocations 8/8 with Scott Schilling?

Mr. Schilling indicated this proposal will be acceptable to him. He noted that a street in his project needs to be completed and eight units would 'make it happen'.

Ms. Hipp continued by saying that with eight allocations in hand, lenders are more amenable to granting loans and that with eight, she could be satisfied.

Commissioner Lyle asked Mr. Schilling if he needed only the eight he had indicated or

would two extra be beneficial? Mr. Schilling enthusiastically responded that he would be pleased with an additional two.

Rafi Bamdad, 13250 Pierce Rd., Saratoga, spoke next, saying the experience of application has been good and he hopes to begin the project soon.

Commissioner Lyle asked if Mr. Bamdad has previous experience as a developer? Mr. Bamdad replied he did not and because of that has hired a development management firm to assist him. However, he said that he has helped to develop other properties and feels comfortable in working here.

Mr. Bamdad said he is asking for a total of 15 allocations, 10 in the first year followed by an additional five the following year.

Responding to a question, Mr. Bamdad said he is confident he can get the necessary permits and begin the work within a year. He said that even though the units he proposed will be 'higher end' there is a need for them and he wants to work to complete the project.

Asked if he would be able to give up a couple of the allocations if he couldn't quickly begin the project. Mr. Bamdad said he was willing to cooperate with others.

Richard B Oliver, 275 Saratoga Ave #105, told Commissioners he is asking for more allocations. "The three suggested are very limiting in completing construction," he said.

Commissioner Lyle asked if, for Mission Ranch, five units would be better? Mr. Oliver responded, "Yes, there is the street for continuing and five would make a difference."

Chair Sullivan asked questions regarding the cul-de-sac and the number of houses at that location. Mr. Oliver replied that there was a plan for 6 houses and 2 BMRs. Currently complete, he said, are three houses and the 2 BMRs. "I need three units to complete that part of the project," Mr. Oliver said.

Bill McClintock, PO Box 1029, said he had participated in the micro Measure P competition in good faith. He indicated to Commissioner Lyle that if an applicant requests 2-year phasing, it is usually for financial reasons.

With no others present to address the issue, the public hearing was closed.

Commissioner Lyle spoke on the micro project constraints, clarifying some issues from the past. He also expressed concern that Mr. Bamdad's ability to complete the work because of limited experience.

Commissioners continued discussion by speaking to the specifics of several projects and how different scenarios might have differing effects on the number(s) of allocations granted. During the discussion, Mr. Oliver was requested to make a recommendation regarding the numbers of allocations for Mission Ranch and Coyote Creek Estates. He declined, citing a conflict of interest and requesting Commissioners to make the decision.

Commissioner Lyle observed that it would be wrong to take more units from Warmington because of the high scores it has received.

Commissioner Mueller suggested that it might be more feasible to take units from the smaller projects to give Coyote Creek Estates the build out they needed.

Mr. Bamdad conveyed that even if he received only 7 or 8 allocations in the first year, he could make it work.

Discussion ensued regarding the numbers needed for affordable units. PM Rowe clarified the matter by giving the formula as set forth in Measure P. Regarding past practice of getting allocations requested, the Commissioners indicated that custom may no longer be practical.

COMMISSIONERS MUELLER/ACEVEDO OFFERED RESOLUTION NO. 02-36, AS AMENDED:

East Side Projects	Old 2003/04	New 2003/04	Total 2003/04	2004/05
Allotments				
Central-Warmington	15	8	23	
Central Park	5	8	13	
Mission Ranch	9	4	13	
Trovare	13		13	
(Aff.) So. County Housing	13		13	
Coyote Estates		6	6	
(Micro) Nina Lane-Chen		5	5	
(Aff.) 1st Community Housing		18	18	20 (to complete)
(Small) Bamdad		7	7	8 (to complete)
TOTALS	55	56	111	28

ESTABLISHING RESIDENTIAL DEVELOPMENT CONTROL SYSTEM FOR THE OPEN MARKET AND SMALL PROJECTS FOR FISCAL YEAR 2003-2004. THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, LYLE, MCMAHON, MUELLER, SULLIVAN, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

COMMISSIONERS MUELLER/McMAHON OFFERED RESOLUTION NO. 02-37, ESTABLISHING RESIDENTIAL DEVELOPMENT CONTROL SYSTEM ALLOTMENTS FOR MICRO MEASURE P RESIDENTIAL PROJECTS FOR FISCAL YEAR 2003-04 MODIFYING SECTION 1 TO READ:

West Side Projects	Old 2003/04	New 2003/04	Total 2003/04	2004/05
Allotments				
(Micro) DeWitt-Marquez		2	2	2 (to complete)
Llagas-Delco	7	14	21	
Sunny Oaks	6	12	18	
Hale - Garcia		11	11	
TOTALS	13	39	52	2

THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: ACEVEDO,

BENICH, LYLE, MCMAHON, MUELLER, SULLIVAN, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

**2) ZA-00-05:
HALE-
GLENROCK/
SHEA HOMES**

A request to approve a revised precise development plan for 67 acre Capriano development located on the south side of Tilton Ave., east side of Hale Ave., west of the railroad tracks. The proposed development plan includes 38 single-family attached homes and 172 single-family detached homes.

PM Rowe presented the staff report the proposed precise development plan does not address all of the concerns raised at the April 23 meeting. Two issues remain unresolved: **1.** The size of the nursery/preschool site and the length of time for the nursery/preschool zoning limitation. **2.** The redesign of the R-2 area to include a street adjacent to the wetlands area. Staff believes the Commissioners should table the application and provide specific direction regarding those remaining two issues.

PM Rowe also indicated that SP Linder has checked with the Regional Water Quality Control Board and discovered that there are no regulations regarding the placement of dwellings/buildings facing or turned away from wetlands. Personnel at that agency felt that if the dwellings faced the wetlands, there would be more caretaker awareness on the part of homeowners which would enhance the area in total.

PM Rowe noted that the average lot size in this development and the applicant has set aside one (1) lot only for the Nursery-Preschool in the present plan. He presented comparative data showing the size in area of other child-care facilities in the area.

PM Rowe also called attention to the request for a variance from the current street standards regarding the lessening of right of way in the area near the wetlands and the filtration system.

Commissioners had specific questions regarding the placement of houses on the interior streets, noting that in most cases the lots created caused back doors to be directly across and facing front doors.

SE Creer was asked to explain the dimensions for the intersection at the top of the development. He indicated this would be a location for the City's first roundabout, part of the 'traffic calming' plans.

Commissioner Lyle asked, with respect to the noise ordinance, if back or front yards where most attention is needed. PM Rowe responded that the back yards required the highest noise levels protection.

Commissioner Mueller asked for an explanation of the request for variance of street standards. SE Creer and PM Rowe dealt with this issue, explaining that if residential parking is limited in on-street parking, then rights-of-way may be reduced accordingly. The variance is to eliminate one of the parking lanes.

Commissioner Acevedo noted that a difference on the drawing west of Cayenne Drive caused a measure of concern as to the building orientation in lots 38 - 47. Mr. Garcia

responded, speaking of the plan for placement of the carriage houses.

Chair Sullivan asked for clarification of the discussion with the Regional Water Quality Board personnel which Planning Department staff had initiated. She expressed concern regarding the fencing limiting access to the wetland and filtration system areas.

Chair Sullivan opened the public hearing.

Rocke Garcia, 100 E. Third St., spoke to the Commissioners as the applicant. Mr. Garcia said that fencing the park and wetlands areas is a requirement. He explained the proximity of the soundwall to the wetlands. Mr. Garcia presented a graphic of the filtration system area and the wetlands, providing the proximity distance(s) of the two.

Asked about the distance from the parking area to the basketball court, Mr Garcia responded, "400 - 600 feet."

Mr. Garcia addressed the issue of carriage houses, with PM Rowe adding that the concept is popular in other areas, but this is the first design in the City.

Commissioners and the applicant engaged in extensive discussion regarding

- parking on the streets and within the project
- orientation of dwelling/building locations
- fencing around the wetlands and the filtration system
- bike path/nursery/preschool facilities
- park and ride facilities nearby the development
- need for child care facilities and space required

With no further discussion or others wishing to speak, the public hearing was closed.

Commissioners engaged in discussion and observation of

- the childcare facility location and space required for a facility.
- traffic issues, including parking on identified streets
- the applicant's proposed move of the pool, which all considered a plus in providing access to residents of the entire development
- parking standards
- concerns regarding variance to street standards
- landscaping (trees, fencing)
- back porch design for enhanced neighborhood presence

By consensus, Commissioners agreed that a minimum of 20,000 sq ft would be dedicated for a childcare facility and that the applicant must show at the end of one year after the last permits for the project are issued and that progress is being made toward obtaining an operator for the childcare facility.

Mr. Garcia thanked the Commissioners and staff, saying he would be working with his Architect, adding, "There is a solution to every problem."

**3) ZA-02-04/
DA-02-01:
CHURCH-SO.
COUNTY
HOUSING**

A request to approve a zoning amendment and development agreement for a four-acre site from R3 to Planned Unit Development (PUD). The applicant is proposing a mixed use project consisting of 72 apartment units and a 4,200 sq. ft. student day care facility for a maximum of 45 students, a 4,300 sq. ft. community center, and 3,000 sq. ft. office area for non-profit groups.

PM Rowe gave the staff report indicating that this project was continued, at the request of staff, from the Planning Commission's April 23rd meeting in order to provide staff and the applicant additional time to work together to modify the proposal in order to meet several code requirements.

The project site currently has 23 residential units, which are all non-conforming. The housing is in poor condition and is substandard. The Monterey Road portion of the site is zoned for Administrative Office and the Church Street portion for Service Commercial (such as automotive repair). On June 28, 2000, the Redevelopment Agency board approved a loan to South County Housing to assist with purchase of the site. The City Council approved a General Plan Amendment on December 6, 2000, changing the land use designation from Commercial to Mixed Use - Office/non-retail plus Multi-Family Medium (14 - 21 dwelling units per acre). On September 25, 2001, the Planning Commission awarded 36 building allotments for fiscal year 2002-03 and 13 building allotments for fiscal year 2003-2004, which will allow construction of 72 units - 23 units will be replacement units.

The applicant has submitted a request to the Public Works Department for a lot merger, which would merge the six existing parcels into one parcel.

The applicant is requesting a Planned Unit Development zoning amendment to the existing Commercial Administrative Office District and Service Commercial zoning districts in order to seek relief from strict adherence to the minimum landscape buffer setbacks, deviation from required interior circulation drive aisles/roads width, parking stall dimensions, minimum number of parking stalls, maximum building height, minimum landscape buffers, and to allow residential construction of 72 very low income and low income apartment units.

The applicant is also requesting consideration of additional concessions, which would allow deviation from strict adherence of the Municipal Code, because the proposed project will be 100% rental to very low and low income residents of Morgan Hill, providing housing for families earning between 35% and 65% of the County median income.

The PUD overlay district is intended to allow diversification in the relationship of various buildings, structures, and open spaces in planned building groups, and the allowable height of the buildings and structures, while insuring substantial compliance to the district regulations and other provision of Chapter 18.30 of the Municipal Code. The PUD district also implements the mixed use General Plan designation.

PUD Proposed Phasing

Measure P allocations were granted in two consecutive rounds; therefore, construction will be phased to meet the Measure P regulations. Building Three, a two-story twenty-unit

residential building and eighteen carports will be constructed in the second phase of development. Construction on the second phase of the development is expected to begin April 1, 2003.

Per Section 18.30.090.3, no building within a PUD shall exceed thirty feet in height, except as otherwise authorized by the City Council through the PUD approval process. The existing zoning, CS and CO, maximum building height is three stories or thirty-five feet. In order for the applicant to provide 72 affordable apartment units, two of the six buildings need to be three stories tall. In addition, due to design and roof pitch, the applicant is requesting an exception to the maximum thirty foot height requirement to allow thirty-six feet on Buildings Two and Four.

PM Rowe said Staff supports the applicant's request for an exception to height on Buildings Two and Four. The buildings are set back from Monterey Road approximately 150 feet and tucked between Buildings One and Two, which are both two-stories or approximately twenty-seven feet high. In addition, a two-story office building abuts the project site to the south, which would provide additional screening of the three-story apartment buildings. The other proposed buildings within the project meet the maximum height requirements of Section 18.30.090.3.

PUD Parking/Circulation

The applicant is proposing 72 dwelling units, which would require a total of 167 parking spaces, 72 of which must be covered. The proposed nursery school and office structure would require an additional thirty spaces, increasing required parking to 197 spaces. Municipal Code Section 18.50.020 requires parking for community centers to equal 1 space for each 35 square feet of floor area in the assembly room(s) and 1 space for each 250 square feet of other space within the center. The community center would require an additional fifty parking spaces, increasing required parking to 246 spaces.

The applicant is proposing to provide a total of 180 parking spaces, sixty-six spaces less than required. Of the 180 spaces, 133 spaces would be restricted and posted as residential spaces only, 72 of which will be covered. The remaining 47 spaces would be considered "shared" spaces, which would provide parking for residential guests, the nursery school, office structure, and community center. Justification provided by the applicant is that the nursery school and community center will be primarily used by residents of the complex; therefore, additional parking should not be required.

In addition, the applicant has prepared a parking management plan, which would implement parking rules and regulations governing the use of the "shared" spaces. A copy of the parking management plan has been attached.

Staff would support the reduction in the number of required parking spaces.

Parking space dimensions are regulated in Section 18.50.190 of the Municipal Code. All parking spaces within a structure shall be a minimum of ten feet in width and twenty feet in length in order to ensure that there is adequate space for car doors to open without hitting walls or supporting posts. The applicant is proposing parking stalls measuring nine feet in width and sixteen feet in length. Justification provided by the applicant for

requesting a reduction in the minimum standards is that the design of the carports allows for a vehicle to "overhang" into the landscape area, thus reducing the required length of parking stalls, and the single post semi-cantilever design will prevent damage to car doors. In addition, strict adherence to the parking stall dimensions would reduce the number of parking spaces currently providing. The applicant has provided a picture of the proposed carport, which has been attached to this staff report. Because the car port structures are open on each side, staff would support the reduce parking stall dimensions.

A minimum thirty foot wide landscape area (excluding any landscaping in the right-of-way) is required adjacent to all public streets within a PUD. Generally, it has been the policy of the City to prohibit anything other than vegetation, pathways, or street furniture from occupying the required landscape area. The applicant is requesting to place covered parking and two trash enclosures within the required landscape area along Church Street and approximately two uncovered parking spaces within the required landscape area along Monterey Road.

To mitigate the impact of the covered parking within the required landscape area along Church Street, the applicant is proposing a two foot high retaining wall with a landscape berm gently sloping down towards Church street. The landscape berm would contain street trees, shrubs, and ground cover. The retaining wall would block automobile headlights within the project from shining directly onto Church Street. The applicant would plant vines and other appropriate plant material around the two proposed trash enclosures, both of which would open from the interior of the site. Staff would support the applicant's request to reduce the required landscape buffer along Church Street. The proposed project site is unusual in that it has two frontages, Church Street and Monterey Road. It would be an undue hardship to require the applicant to provide a combined total of sixty feet of landscape buffer, especially since the applicant will be providing much needed affordable housing for the community.

With respect to the required 30 foot landscape buffer along Monterey Road, staff would support a deviation from the required buffer, since a small portion of two parking spaces will be the only encroachment. The visual impact will be minimal and the applicant has met the intent of a landscape buffer.

PM Rowe said Staff supports the proposed Zoning Amendment from Commercial Administrative Office District (CO) and Service Commercial (CS) zoning districts to Planned Unit Development (PUD).

A standard development agreement has been prepared by Staff for the proposed project and was given to the Planning Commissioners for review. He noted that staff recommends approval of the development agreement.

PM Rowe further reported a Mitigated Negative Declaration was approved during the General Plan Amendment Approval for this project. No additional environmental review is required, he said. The applicant shall comply with all mitigation measures contained in the Mitigated Negative Declaration on file at the Community Development Department, GPA-00-03: Monterey - South County Housing.

Commissioner Mueller said he is concerned about the size of the parking stalls in view of the popularity of larger vehicles in today's world. Responding to a question, PM Rowe said that the square footage for parking listed on the agenda is incorrect but the staff report is accurate [parking stalls 9'x18' with a 2' overhang to the adjacent landscaping]. While inquiring details of staff, Commissioners learned that because it is anticipated that the childcare and community center facilities will be not be open to public use on week-ends (or the use will be lessened during those times) parking needs will be diminished. PM Rowe said the applicant has been asked to provide a Parking Management Plan.

Commissioner Benich questioned the sound wall at the development.

SE Creer was asked to address the proposed median on Monterey Road and the landscaping which could be expected.

Commissioner McMahon asked how many parking spaces are required in a development such as this? Discussion then ensued regarding the numbers and sizes of vehicles which residents of like facilities have?

It was ascertained that there will be a wrought-iron fence constructed on the Post Office side of the development where the child care play yard is located.

Commissioner Acevedo asked about the number of children the preschool could handle. It was explained that maximum number(s) is determined by state licensing laws.

Commissioner McMahon asked if parking allowed on the street in front of the development? [No]

Commissioner Weston thinks that there should be handicap accessibility on the Church St. side to at least the Community Center and that the handicap parking along the outer edges be put toward the inside so that handicapped persons would not have to cross the driveway.

Chair Sullivan opened the public hearing.

Jan Lindenthal, 7455 Carmel St., Gilroy, representing the applicant, South County Housing, explained the parking area design. She also said the agency is having discussions with the designated childcare provider to arrive at the design for the childcare center (caring for infants through preschool age).

Commissioner Benich asked about the sound wall between the buildings, questioning if it is an acoustical wall to mitigate noise? (Yes)

Allen Cristofani 181 Carlos Dr.; San Rafael, Architect for the project, explained it (sound wall) is a design feature and may be modified.

Addressing Ms. Lindenthal and Mr. Cristofani, Commissioners asked for clarification regarding the carport design, the monument sign (relative to the wing walls), and the area designed to be the preschool.

With no others indicating a desire to speak to the issue, the public hearing was closed.

Commissioners engaged in discussion regarding particular aspects of the plan, including traffic patterns within the development, fencing location and materials, landscaping, parking.

Commissioner Acevedo said he has no problems with the development except the parking; he indicated his concern is the total number of parking spaces (or lack thereof) and worries that residents will park on the streets to be nearer front doors of their dwelling places.

Commissioner Benich said he thinks it's a great project, blending many desirable features into the downtown area. He pronounced it a "Good project".

Commissioner McMahon said clearly the project is 'underparked' and indicated she saw the only possible compromise: to allow a parking size variance as requested.

Commissioner Lyle said the Community Center feature of the project and the use of it is the key to the problem. The use of that facility needs to be revisited after it's been in existence for a year, he said.

Chair Sullivan asked about the staff employed at the preschool? There will be eight FTE during the day.

The fence by the preschool will be 8-feet high.

Ms. Lindenthal emphasized they want to work to make the project successful - and stated the parking management program will be a real working plan.

With no others present indicating a wish to speak, the public hearing was closed.

COMMISSIONERS MUELLER/McMAHON OFFERED RESOLUTION NO. 02-31 RECOMMENDING APPROVAL OF A ZONING AMENDMENT TO CHANGE THE ZONING FROM SERVICE COMMERCIAL (CS) AND ADMINISTRATIVE OFFICE (CO) TO PLANNED UNIT DEVELOPMENT (PUD) AND TO ESTABLISH A PRECISE DEVELOPMENT PLAN FOR THE SITE, ADDING SECTION 6 WHICH READS: THERE IS A REQUIREMENT THAT ONE-YEAR FOLLOWING THE COMPLETION OF THE PROJECT, THE ITEMS OF PARKING BE REVISITED TO ENSURE THE PARKING MANAGEMENT PLAN IS WORKING; AND AMEND EXHIBIT "B" AS FOLLOWS: 1) MODIFY SECTION II (A) BY DELETING THE DAY CARE FACILITY; AND 2) ADD AN ITEM (E) TO SECTION II TO MAKE THE COMMUNITY CENTER AND DAY CARE FACILITY A CONDITIONAL USE REQUIRING SEPARATE APPROVAL OF A CONDITIONAL USE PERMIT. THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: BENICH, LYLE, MCMAHON, MUELLER, SULLIVAN, WESTON; NOES: ACEVEDO; ABSTAIN: NONE; ABSENT: NONE. Commissioner Acevedo noted for the record that his objection is to the issue of a lack of parking spaces.

COMMISSIONERS MUELLER/MCMAHON OFFERED RESOLUTION NO. 02-32, RECOMMENDING APPROVAL OF THE DEVELOPMENT AGREEMENT.

THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: BENICH, LYLE, MCMAHON, MUELLER, SULLIVAN, WESTON; NOES: ACEVEDO; ABSTAIN: NONE; ABSENT: NONE.

NEW BUSINESS:

**4) GPA-01-09:
CITY OF M. H.-
ADOPTION OF
HOUSING
ELEMENT**

This is a City-initiated request to approve a new Housing Element of the General Plan. The proposed Element represents a comprehensive statement of the City's current and future housing needs and proposed actions to facilitate the provision of housing to meet the needs of all income levels. The Element has been prepared in such a way as to meet the requirements of State law and to meet local housing objectives.

PM Rowe explained that staff expected to receive a response from HCD in advance of this meeting so that any necessary changes could be made before recommending adoption of the Element to the Planning Commission. Those comments have not yet been received. Consequently, the matter should be continued to the Commission's June 11th meeting.

Chair Sullivan opened the public hearing.

There were no persons present indicating a wish to address the matter and **COMMISSIONERS MUELLER/ACEVEDO MOTIONED TO CONTINUE THE MATTER TO THE JUNE 11, 2002 MEETING OF THE MORGAN HILL PLANNING COMMISSION. THE MOTION CARRIED WITH THE UNANIMOUS VOTE OF ALL COMMISSIONERS PRESENT.**

OTHER BUSINESS:

**5) MMP-00-02:
E. DUNNE-
GREWAL**

Review by Commission of report tracking the progress of the cited Micro Measure P application through the development process.

PM Rowe presented the staff report, saying at the April 23, 2002, Planning Commission meeting, the Commission directed staff to prepare a report tracking the progress of the above cited Micro Measure P application through the development process. The report was requested to assist the Commission in either recommending the applicant submit a request for an exception to loss of building allotments (ELBA) or recommend revocation of the building allotments to the City Council.

The Commission also requested information regarding redistribution of the allotments. Specifically, if any other project could abide by the existing development schedule, which requires building permits to be issued and construction started by June 30, 2002.

PM Rowe then provided a chronology of the development.

Currently, PM Rowe said, the Architectural Review Board (ARB) reviewed the site, architectural, and landscape application at the March 7, 2002 meeting. Having reviewed the proposal the ARB determined that the plans were incomplete. PM Rowe reported that Staff has not received revised drawings.

Commissioners requested PM Rowe to comment on a possible redistribution of allocations. He reported only one project, Central - South Valley Developers, could possibly commence construction. He said the applicant, Scott Schilling, is on schedule with his development agreement and has submitted for building permits for fourteen units, which are currently being routed through plan check. Mr. Schilling has indicated that he may require a one month extension, due to the time required by the City to actually reallocate the allotments, amend the Final Map, and route the additional plans through plan check. Concluding his report, PM Rowe said, the applicant would be constructing units which have already received Site and Architectural Approval and would not be required to file an application for additional Site and Architectural Approval.

Chair Sullivan opened the public hearing.

Pritam Grewal, 1150 E. William St., San Jose, applicant, said the ARB has reviewed the plan. He indicated he intends to have an architect complete those plans soon. Mr. Grewal said, "I'm trying to do my best. I've spent a lot of money but have not gotten it finished yet. I'm looking for a little time and would like an extension."

Commissioner Weston asked if the applicant has completed other projects? Mr. Grewal replied he had not.

Hans Mulberg, 16760 Oak View Circle, engineer for the project, said the project looks simple, but has multiple complications. He indicated he feels positive about the project and expects to move forward quickly.

Responding to a question from Chair Sullivan, Mr. Mulberg said he has submitted plans to the County, the City and the water district. He also indicated that he can submit final plans within two weeks if things 'go smoothly'.
The public hearing was closed.

Commissioners engaged in discussion of the multiple issues of the project

- time frames required
- parcel issues
- extensions granted and those needed
- potential for reallocation of allotments
- need for aggressive schedule for project completion

Concluding discussion, Commissioners directed applicant to file for an extension of one year, working aggressively for completion, working for agency resolution of targeted issues and secure commitment(s) for deadline completion. Staff was directed to work with the applicant to ensure these items were clearly understood for working administration. The Commission would only recommend an extension of time provided the applicant had a completed site review application and had submitted for final map approval.

**6) DRAFT FY
02/03 - 06/07
CIP**

Commission requested to review the Draft Five-Year Capital Improvements Program (CIP) for consistency with the Adopted 2001 General Plan.

DPW Ashcraft presented the document and explanations to the Commissioners.

Strong feelings regarding the item were exhibited by the Commissioners as they discussed:

- lack of operation and maintenance analysis
- absence of a third fire station
- road work and the need for contingency plans in case outside funding is not received
- parks and recreation issues.
- analysis of Parkland to determine relationship to 5 acres/1000 population standard in the General Plan.
- specific projects: police station, water, waste water, regional soccer complex (located outside the City limits), public facilities
- for water and sewer, no information on capacity versus what is required to support the population. The question being are we adding capacity fast enough to support the population projections?
- lack of analysis indicating whether the 5 years covered by the CIP represents a proportional share of the 18 years covered by the General Plan with respect to parks and open space, sewer, water and roads facilities.
- location of some projects not specified

DPW Ashcraft reminded the Commissioners the document being present is a draft, working document.

Commissioner Mueller said it would be good to have a chart to show how projections of improvements to the sewer plant will match population growth. Commissioner Mueller further commented that the CIP addresses a few large needs, while there were others that were not identified that were going unfunded, which raised the issue of identified but unfunded projects. He continued by saying that at one time, the Commission received the complete project list with the prioritization. Commissioner Mueller stated that adding to the Commission frustration was that the Commission had asked on multi-year projects that previous years funding be shown so that total project cost information was shown in the plan. He felt that some progress was made on this issue, but there is still a lot of information missing.

Commissioner Lyle commented that it is tough, on the basis of the numbers presented, to say whether sufficient progress is being made.

Chair Sullivan opened the public hearing.

With none present to address the matter, the public hearing was closed.

Commissioner McMahon said she was dubious that a motion could be made until there was resolution of the CIP being consistent with the General Plan, noting some exceptions.

COMMISSIONERS MUELLER/ACEVEDO OFFERED RESOLUTION NO. 02-35 RECOMMENDING APPROVAL OF THE CITY'S CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2002-2003 AND FINDING THE PROGRAM CONSISTENT WITH THE GENERAL PLAN, ADDING SECTION 4 TO REFLECT THE COMMENTS OF CONCERN RAISED DURING DISCUSSION. THE MOTION FAILED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, MUELLER; NOES: LYLE, MCMAHON, SULLIVAN, WESTON; ABSTAIN: NONE; ABSENT: NONE.

Commissioner Lyle reiterated it is difficult to ascertain if there is consistency with the General Plan since it is not only important whether each item in the CIP is consistent with the General Plan, but also whether the CIP makes sufficient progress towards realizing the desired General Plan build-out needs.

**7) SELECTION
OF CHAIR/
VICE-CHAIR**

PM Rowe presented the staff report, reminding that pursuant to City Council Policy, the Planning Commission must select a Chairperson and Vice-Chair to serve one year terms beginning in June of each year. That policy provides that the member serving the longest on the Commission without having previously served as Chair shall serve as the Chairperson. The member second in seniority shall serve as Vice Chair. The policy further states that if the member serving as Vice Chair is on the Commission at the time the next Chair is selected, he or she will become Chair the following year. Both the current Chair and Vice Chair are stepping down from the Planning Commission. Commissioners will therefore need to appoint members to both positions. Now, PM Rowe said, based on the City Council, Commissioners Acevedo, Benich, and Weston are next in line to serve as Chair and Vice Chair. He went on to explain that Commissioner Mueller last served as Chair four years ago and Commissioner Lyle served as Chair the following year. Commissioner Mueller would again be eligible to serve as Chair next year. "Should the three Commissioners who are currently eligible to service as Chair and Vice Chair wish to defer their appointment in favor of gaining more experience on the Commission, Commissioner Mueller would then be eligible to serve as Chair. The Chair and Vice Chair terms are for one year, until June 1, 2003," PM Rowe concluded.

During discussion, both Commissioners Benich and Weston indicated they wished to wait until later in their terms to serve as Chair, while Commissioner Acevedo demonstrated a willingness to assume the seat at the present. Consequently, it was unanimously agreed that Commissioner Acevedo will serve as chair for the ensuing year. Commissioner Mueller was nominated to be Vice Chair by Commissioner McMahon. He accepted, amid good wishes to both from all present.

ANNOUNCEMENTS:

PM Rowe announced that at the May 1, 2002 City Council meeting, approval had been given to the Tennant/Safeway project; it is anticipated the use permit will be on the Commission agenda at the May 28, 2002

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ADJOURNMENT: There being no further business, Chair Sullivan adjourned the meeting at 11:30 p.m.

MINUTES RECORDED AND PREPARED BY:

JUDI H. JOHNSON, Minutes Clerk

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